

3 FAM 4350 SUSPENSION

3 FAM 4351 PROPOSING OFFICIAL

(TL:PER-338; 08/19/1997)

(Uniform State/USAID/USIA/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

The following officials may propose to suspend an employee:

Agency	Proposing Official
State	Director, Office of Employee Relations (PER/ER) or designee
USAID	Chief, Personnel Operations Division (M/HR/POD); Chief, Executive Management Division (M/HR/EM), or Inspector General (for OIG employees)
USIA	Director, Office of Human Resources (M/HR) or Director, Office of Personnel and Administration (B/PA)
Agriculture	Foreign Agriculture Service: First Line Supervisor APHIS: Deputy Administrator, IS; Associate Administrator; Assistant Deputy Administrator; Regional Directors; Director, Operational Support; Director, Human Resources; Chief, Employee and Management Relations
Commerce	Director, Office of Foreign Service Personnel

3 FAM 4352 DECIDING OFFICIALS

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(Applies to Foreign Service Only)

- a. The next higher official to the proposing official normally makes the decision to suspend.
- b. An agency delegation of authority, however, may specify different or additional deciding officials.
- c. In addition, a deciding official described in 3 FAM 4368 may become the deciding official for a suspension if he/she determines that a suspension is appropriate as a lesser action.

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If after consideration of the report of inquiry or investigation and the factors specified in 3 FAM 4324.3 , the proposing official decides to propose a suspension, he/she shall notify the employee in writing:

- (1) Of the specific reasons for the proposal to suspend;
- (2) Of the period of the proposed suspension;
- (3) That the employee may respond orally and/or in writing, and may submit affidavits and/or other written statements in support of that response;
- (4) Of the name of the deciding official to whom the employee may respond;
- (5) That the employee's response will be fully considered by the deciding official;
- (6) That the employee may have a representative of the employee's choosing (see 3 FAM 4325);
- (7) Of any decision to exclude the employee from Department premises during the notice period (see 3 FAM 4323);
- (8) That the employee shall be granted a reasonable amount of official time to:
 - Review the material relied on in proposing the action; and
 - Prepare a response to the notice; and
- (9) That the employee shall acknowledge receipt of the notice of proposed suspension as instructed in the notice.

3 FAM 4354 EMPLOYEE'S RESPONSE

(TL:PER-338; 08/19/1997)

(Uniform State/USAID/USIA/Foreign Service Corps, USDA/Commerce)

(Applies to Foreign Service Only)

- a. An employee abroad has 30 days from receipt of the proposal to respond in writing and/or orally to the deciding official.
- b. An employee in the United States has 15 days from receipt of the proposal to respond in writing and/or orally to the deciding official.
- c. The employee may submit a written request for an extension of the response deadline and the deciding official should approve the request if it is reasonable.

3 FAM 4355 ACTION BY THE DECIDING OFFICIAL

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(Applies to Foreign Service Only)

- a. After reviewing the proposal to suspend and the employee's response, if any, the deciding official will decide to:
 - Withdraw the charges and close the case; or
 - Admonish the employee; or
 - Reprimand the employee; or
 - Suspend the employee for a specified period of time not to exceed the period proposed.
- b. The deciding official will notify the employee of the decision. If the decision is to suspend, the decision letter shall:
 - Identify the specific charges in the proposal to suspend that have been sustained;
 - Advise the employee of the length of the suspension imposed;
 - Advise the employee of the date the suspension will commence (e.g., within 30 days of receipt of decision letter);

— Advise the employee that the record copy of the letter of suspension will be made part of the employee's Performance File for a specific time period, which will be no less than 12 and no more than 24 months, subject to the conditions in 3 FAM 4345 d and e; and

— Make specific reference to the employee's right to file a grievance under section 1101 of the Act and 3 FAM 4400 .

c. The disposition of records relating to a suspension will be as follows:

(1) The deciding official will forward:

— The record copy of the decision letter for inclusion in the Performance File; and

— The record on which the decision was based to:

Agency	Official
State	Director, Office of Employee Relations (PER/ER)
USAID	Chief, Personnel Operations Division (M/HR/POD)
USIA	Chief, Labor, Policies, and Benefits Division (M/HRL) or Chief, Labor and Employee Relations Division (B/PA/PL)
Agriculture	Foreign Agriculture Service : Second Line Supervisor or higher official APHIS: Resource Management Support Staff
Commerce	Director, Office of Foreign Service Personnel

(2) In the case of employees assigned abroad, the decision letter will not be placed in the employee's Performance File until 30 days after the receipt of the letter by the employee.

(3) In the case of an employee assigned in the United States, the decision letter will not be placed in the employee's Performance File until 15 days after the receipt of the letter by the employee.

d. When the period of retention of the decision letter in the Performance File is less than 24 months, the letter will not be removed until the file has been reviewed by one selection or tenure board.

e. When the period of retention is 24 months, the letter will not be removed until the file has been reviewed by two boards (two selection boards, one selection board and one tenure board, or two tenure boards).

f. The employee should follow up to ensure timely removal of the decision letter from the performance file.

3 FAM 4356 PAYROLL AND ALLOWANCES ACCOUNTING DURING SUSPENSION

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Absence from duty without pay as a result of suspension shall be recorded on the employee's time and attendance record as provided in instructions issued by the appropriate payrolling office or regional payroll center. A personnel action (SF-50) shall also be processed by the appropriate administrative office. Allowances will be paid in accordance with the Standardized Regulations, section 051 and 132.2b(2).

3 FAM 4357 THROUGH 4359 UNASSIGNED

